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Attorneys for Respondent

RECEIVED
SEP 3 0 2004
FEDERAL PUBLIC DEFENDER

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ROBERT S. DIETRICH,

Petitioner,

v.

STAN CZERNIAK, Superintendent, Oregon State Penitentiary,

Respondent.

Case No. 01-498-TC

RESPONSE TO PETITIONER'S OBJECTIONS TO FINDINGS AND RECOMMENDATION

The court's Findings and Recommendation dated September 9, 2004 are correct and should be adopted in their entirety. Respondent continues to rely on his previously submitted Exhibits and Memoranda for arguments on this issue.

DATED this 29th day of September, 2004.

Respectfully submitted,

HARDY MYERS
Attorney General

DOUGLAS Y.S. PARK #98090
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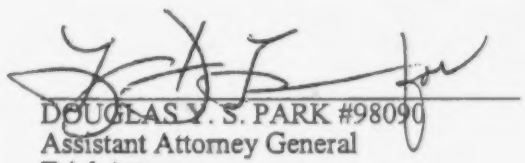
CERTIFICATE OF SERVICE

I certify that on September 29, 2004, I served the foregoing RESPONSE TO PETITIONER'S OBJECTIONS TO FINDINGS AND RECOMMENDATION upon the parties hereto by the method indicated below, and addressed to the following:

Mr. Anthony Bornstein
Assistant Federal Public Defender
101 S.W. Main Street, Suite 1700
Portland, OR 97204

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)



DOUGLAS Y. S. PARK #98090
Assistant Attorney General
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No. 06-1060

IN THE

SUPREME COURT OF THE UNITED STATES

BRIAN BELLEQUE, Superintendent,
Oregon State Penitentiary,

Petitioner,

v.

ROBERT SANFORD DIETRICH,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

CERTIFICATE OF SERVICE AND MAILING

I, Anthony Bornstein, counsel of record, certify that pursuant to Rule 29.3, service has been made of the within MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*, and BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI on the counsel for the petitioner by depositing in the United States Post Office, in Portland,

Oregon, on March 2, 2007, first-class postage prepaid, a certified true, exact, and full copy thereof addressed to:

Mary H. Williams
Solicitor General of Oregon
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Paul Clement
Solicitor General
Department of Justice, #5614
10th & Constitution, N.W.
Washington, D.C. 20530

Further, the original and ten copies were mailed to the Honorable William K. Suter, Clerk of the United States Supreme Court, by depositing them in a United States Post Office Box, addressed to 1 First Street, N.E., Washington, D.C., 20543, for filing on March 2, 2007, with first-class postage prepaid.

Anthony D. Bornstein

Anthony D. Bornstein
Attorney for Respondent

SUBSCRIBED AND SWORN to before me on March 2, 2007.

Jill Lammé

Notary Public of Oregon
My Commission Expires: 9/01/08

Supreme Court, U.S.
FILED
MAR - 2 2007
OFFICE OF THE CLERK

(3)

No. 06-1060

IN THE

SUPREME COURT OF THE UNITED STATES

BRIAN BELLEQUE, Superintendent,
Oregon State Penitentiary,

Petitioner,

v.

ROBERT SANFORD DIETRICH,

Respondent.

MOTION FOR LEAVE
TO PROCEED *IN FORMA PAUPERIS*

The respondent, Robert Sanford Dietrich, requests leave to file the attached brief in opposition to petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39.1 of this Court and 18 U.S.C. § 3006A(d)(6). The respondent was represented by counsel appointed under the Criminal Justice Act in the United States District Court for the

District of Oregon and on appeal in the United States Court of Appeals for the Ninth Circuit, and therefore no affidavit is required.

Respectfully submitted this 2nd day of March, 2007.

Anthony D. Bornstein

Anthony D. Bornstein
Attorney for Respondent